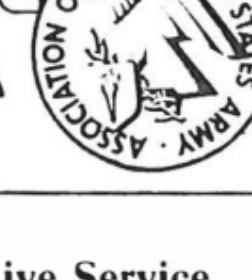


Defense Report

AUSA



Registration for Selective Service — We Need a Realistic Penalty for Disobeying the Law

President Reagan has recently acknowledged the wisdom of continuing to register young men for possible call-up by the Selective Service System in the event of an emergency. As expected, this courageous decision has been met by expressions of outrage from those who view service to one's country as the worst kind of infringement on personal freedom. Having been encouraged by the earlier advice from the Attorney General's office that no failures to register would be prosecuted until the President made up his mind, anti-draft groups are now preparing to counsel young citizens on how they should go about breaking the law.

The applicable statute describes the maximum penalty for failing to register for Selective Service as five-years' imprisonment and/or a \$10,000 fine. This is a very stiff penalty that has seldom been imposed in its entirety, even in the most aggravated cases. If the country were in actual peril, this penalty might be appropriate. In peacetime, it is not only excessive but also places an additional burden on a penal system that is already overtaxed and simply adds to the tax burden borne by every citizen.

Since service in the nation's armed forces is a responsibility of citizenship it would seem far more appropriate, again mostly in time of peace, to penalize those who refuse to live up to that responsibility by depriving them of some of the rights and benefits of citizenship. A person who refuses to register, for example, should certainly not be able to get an education or business loan backed by the government or to avail himself of any of the plethora of government services available to citizens in good standing. A strong case could be made for withholding the right to vote in elections for federal offices during the period the offender might otherwise be in jail. He might also be denied the privilege of obtaining a passport during that time.

We certainly cannot tolerate selective disobedience of the law, but, at the same time, we should not cause law enforcement to create an unnecessary burden on the law-abiding citizens and their government. There has to be a better answer.